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10/825,972	04/16/2004	Andrew Michael Allen	291010-00036	8222

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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,972	ALLEN ET AL.	
	Examiner	Art Unit	
	Muthuswamy G. Manoharan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 3/17/2006 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 32-64 (Page 8, Page 9 (lines 1-11)) have been considered but are moot in view of the new ground(s) of rejection.

Examiner respectfully disagrees with Applicant's assertion on Page 9 of the Remarks, "Although Torvinen makes brief reference to presence servers, it does not teach nor suggest using presence information to ...Torvinen."

The functions and use of the presence information is well known in the art (also pointed out by Hines et al (US 2004/0203922), Paragraph [0005], lines 1-8; Paragraph [0028-0030]).

Examiner respectfully disagrees with Applicant's assertion on Page 9 of the Remarks, "at least one rule defines members of the group in terms of the characteristics of the members rather...Torvinen". Examiner can broadly interpret "at least one rule defines members of the group" as members of the group who are within a particular area (location) defined by the rule.

Claim Objections

Claim 43 is objected to because of the following informalities:

Regarding claim 43, Applicant recites, "the dynamic group" and there is no antecedent basis for the phrase "the dynamic group" either in the claim 43 or in the claim 32. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 32,33,39,49, and 50-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Torvinen (US2005/0113123).

Regarding **claim 32**, Torvinen teaches a method of creating and managing a group of mobile stations for a communication session in a communications network, the communication session being one in which users of respective mobile stations communicate with one another, the method comprising:

receiving at least one rule defining a member of the group, the at least one rule being received in association with a group address (Paragraph [0013], lines 8-10; Paragraph [0016], lines 8-13); and

dynamically populating the group with members from the mobile stations determined in accordance with the **at least one rule** ("wish to form a group with each other for a certain time, purpose and location", Paragraph [0029], line 7-11) and respective presence information published for one or more mobile stations or users in order to initiate a group communications session ("presence server", paragraph [0029], line 5), the populating comprising determining which of users and/or the mobile stations of the users match the at least one rule (Paragraph [0014], lines 9-14).

Regarding **claim 33**, Torvinen teaches the method of claim 32, further comprising providing notification of members of the dynamic group in response to the populating (Paragraph [0014], lines 7-9).

Regarding **claim 39**, Torvinen teaches the method of claim 32, further comprising maintaining the dynamic group, removing a particular one of the mobile stations or users as a member in accordance with the at least one rule (Paragraph [0071], lines 12-19).

Regarding **claim 49**, Torvinen teaches server for creating and managing a group of mobile stations for a communication session in a communications network, the communication session being one in which users of respective mobile stations communicate with one another, the server comprising:

a communication system for transmitting and receiving messages via the communications network (item 928 in Figure 9; Paragraph [0083], lines 1-5);

a processor coupled to the communication system for processing messages (Paragraph [0081]); and

memory coupled to the processor for storing instructions to configure the processor to (Paragraph [0081], lines 5-8):

receive at least one rule defining a member of the group, the at least one node being received in association with a group address (Paragraph [0013], lines 8-10; Paragraph [0016], lines 8-13); and

dynamically populate the group with members from the mobile stations determined in accordance with the at least one rule ("wish to form a group with each other for a certain time, purpose and **location**", Paragraph [0029], line 7-11) and respective presence information published for one or more mobile stations or users in order to initiate a group communications session ("presence server", paragraph [0029], line 5), the populating comprising determining which of users and/or the mobile stations of the users match the at least one rule (Paragraph [0014], lines 9-14).

Regarding **claim 50**, Torvinen further teaches the server of claim 49, wherein the memory further stores instructions to configure the processor to subscribe to at least one server which provides notification of mobile stations that match one or more rules defined in response to presence information and/or location information for mobile stations; and wherein, the subscribing is responsive to the at least one rule (Paragraph [0029], line 5; Paragraph [0016], lines 8-12).

Regarding **claim 51**, Torvinen teaches the server of claim 49, wherein the memory further stores instructions to configure to processor to provide the

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members of the dynamic group to a server for facilitating group communications among the members (Paragraph [0015], lines 1-10).

Regarding **claim 52**, Torvinen further teaches the server of claim 49, wherein the memory further stores instructions to configure the processor to receive and store presence information published on behalf of the mobile stations and/or users of the stations (Paragraph [0016], lines 8-12; Paragraph [0029], line 5).

Claim 53 is rejected for the same reason as set forth in claim 32.

Regarding **claim 54**, Torvinen teaches a mobile station for initiating a communication session among other mobile stations in a communication network, the communication session being one in which users of respective mobile stations communicate with one another, the mobile station comprising: a communication system for transmitting and receiving messages via the communication network (Paragraph [0077], lines 1-3; lines 8-11); a processor coupled to the communication system for processing messages (Paragraph [0074], lines 1-3); and a memory coupled to the processor for storing instructions to configure the processor to (Paragraph [0074], lines 6-17): transmit at least one rule defining a member of the group to a server adapted to create and manage the group, the server populating the group with members from the mobile stations determined in accordance with the at least one rule, the populating comprising determining which *of* users and/or the mobile stations *of* the users match the at least one rule (Paragraph [0013], lines 1-13); and wherein the processor is further

configured to transmit the at least one rule in association with a group address to enable the server to dynamically populate the group with members of the group in accordance with respective presence information published for the one or more particular mobile stations or users in order to enable the mobile station to initiate the group communications session (Paragraph [0046], lines 5-6).

Regarding **claim 55**, Trovinen teaches a method of operating a mobile station for initiating a communication session among other mobile stations in a communication network, the communication session being one in which users of respective mobile stations communicate *with* one another, the method comprising (Paragraph [0077], lines 1-3; lines 8-11):

transmitting at least one rule defining a member of the group to a server adapted to create and manage the group, the server populating the group with members from the mobile stations determined in accordance with the at least one rule, the populating comprising determining which of users and/or the mobile stations of the users match the at least one rule (Paragraph [0013], lines 1-13); wherein the at least one rule is transmitted in association with a group address to enable the server to dynamically populate the group with members of the group in accordance with respective presence information published for the one or more particular mobile stations or users in order to enable the mobile station to initiate the group communications session (Paragraph [0046], lines 5-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen (US 2005/0113123) in view of Mathis (US 2003/0083046).

Regarding **claim 34**, Torvinen teaches the method of claim 32, wherein determining which of the mobile station users match the at least one rule comprises requesting and receiving notification of the one or more particular mobile stations and/or name from a server for defining a member of a dynamic group, the server storing the presence information published by or on behalf of the mobile stations' users. However, Mathis teaches in an analogous art wherein determining which of the mobile station users match the at least one rule comprises requesting and receiving notification of the one or more particular mobile stations and/or name from a server for defining a member of a dynamic group, the server storing the presence information published by or on behalf of the mobile stations' users (Paragraph [0006]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein determining which of the mobile station users match the at least one rule

comprises requesting and receiving notification of the one or more particular mobile stations and/or name from a server for defining a member of a dynamic group, the server storing the presence information published by or on behalf of the mobile stations' users. This part of modification defines the functionality of the presence server and is well known in the art (Hines: US 2004/0203922).

Regarding **claim 35**, Torvinen further teaches the method of claim 34, wherein determining comprises receiving notification that one or more particular mobile stations match the at least one rule in accordance with respective location information for the one or more particular mobile stations (Paragraph [0016], lines 8-12).

Regarding **claim 36**, Torvinen further teaches the method of claim 35, further comprising subscribing to at least one server which provide, notification of mobile stations that match one or more rules defined in response to presence information (Paragraph [0029], lines 5) and/or location information (Paragraph [0029], line 5) for mobile stations; and wherein, the subscribing is responsive to the at least one rule (Paragraph [0063], lines 12-18).

Regarding **claim 37**, Torvinen further teaches the method of claim 36, further comprising determining an address for each of the at least one server for subscribing, the address being determined from a resource list of addresses for such servers (Paragraphs [0016,0066]).

Regarding **claim 40**, Torvinen further teaches the method of claim 37, further comprising receiving notification that a particular one of the mobile stations or users

no longer matches the at least one rule (Paragraph [0060], lines 6-9; Paragraph [0071], lines 12-19).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Mathis and further in view of Laiho (US 6097942).

Regarding **claim 38**, Torvinen in view of Mathis teaches all the particulars of the claim except the method of claim 36, further comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating. However, Laiho teaches in an analogous art except the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating (Abstract, lines 24-31; Col. 2, lines 33-41; lines 57-60). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten the populating. This modification provides an efficient method of managing group communication.

Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Chandhok et al. (hereinafter Chandhok) (US 2004/0198376).

Regarding **claim 41**, Torvinen teaches all the particulars of the claim except receiving a change the least one rule and managing the members of the dynamic group in accordance with the change wherein managing comprises at least one of adding and removing members. However, Chandhok teaches in an analogous art, receiving a change the least one rule and managing the members of the dynamic group in accordance with the change wherein managing comprises at least one of adding and removing members (Paragraph [0022], line 6-7). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of receiving a change the least one rule and managing the members of the dynamic group in accordance with the change wherein managing comprises at least one of adding and removing members. This modification makes the rule very flexible (dynamic).

Regarding **claim 42**, Torvinen further teaches the method of claim 32, farther comprising notifying a communications server of the members of the dynamic group for facilitating communication among the members in the group communication session (Paragraph [0070]).

Regarding **claim 43**, Torvinen further teaches Claim 43 the method of claim 32, further comprising notifying a user using a mobile station of the members of the dynamic group ("session creation module", Paragraph [0074], lines 3-8; Paragraph [0008], lines 7-9).

Claims 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen (US 2005/0113123) in view of Mathis (US 2003/0083046) and further in view of Leigh et al. (US 5535426).

Regarding **claim 44**, Torvinen in view of Mathis teaches all the particulars of the claim except the method of claim 37, further comprising extending a search for mobile stations matching the at least one rule. However, Leigh teaches in an analogous art, the method of claim 37, further comprising extending a search for mobile stations matching the at least one rule (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method of extending a search for mobile stations matching the at least one rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 45**, Torvinen in view of Mathis and further in view of Leigh teaches all the particulars of the claim 44. Moreover, neither Torvinen nor Mathis teaches the method of claim 44, wherein the subscribing to at least one server extends the search to at least one of different domains and networks. However, Leigh teaches in an analogous art, the method of claim 44, wherein the subscribing to at least one server extends the search to at least one of different domains and networks (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method, wherein the subscribing to at least one server extends the search to at least one of different domains and networks. of extending a search for mobile stations matching the at least one

rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 46**, Torvinen in view of Mathis teaches all the particulars of the claim 37. Torvinen further teaches one or more of the atleast one server tro one or more other such servers (Figure 3; Paragraphs [0050-0052]). Neither Torvinen nor Mathis teaches the method further comprising extending a search for mobile stations matching the pre-defined rule. However, Leigh teaches in an analogous art, the method of claim 37, further comprising extending a search for mobile stations matching the pre defined rule. (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3, lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method of extending a search for mobile stations matching the predefined rule. This modification provides a way of talk group participation across multiple sites.

Regarding **claim 47**, Torvinen in view of Mathis and further in view of Leigh teaches all the particulars of the claim 44. Torvinen further teaches a roaming network (Paragraph [0035], lines 8-9). Moreover, neither Torvinen nor Mathis teaches the method of claim 44, wherein the subscribing to at least one server extends the search for mobile stations to include a home network and a roaming network of a first mobile station. However, Leigh teaches in an analogous art, the method of claim 44, wherein the subscribing extends the search for mobile stations to include a home network and a roaming network of a first mobile station (Abstract, Col. 1, lines 21-50; Col. 2, lines 10-21; Col. 3,

lines 17-24). Therefore, it would be obvious to one of ordinary skill in the art, at the time of invention to use the method, wherein the subscribing extends the search for mobile stations to include a home network and a roaming network of a first mobile station. This modification provides a way of talk group participation across multiple sites.

Claims 56-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Amir et al (hereinafter Amir (WO 01/97539)).

Regarding **claim 56**, Torvinen teaches all the particulars of the claim 32. Torvinen did not teach expressly the method, wherein the at least one rule defines characteristics of the respective users of respective mobile stations. However, Amir teaches in an analogous art, the method, wherein the at least one rule defines characteristics of the respective users of respective mobile stations (Abstract). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method, wherein the at least one rule defines characteristics of the respective users of respective mobile stations. This type of method is useful since it would enable advertisers or other content owners to transmit the message to the targeted group of subscribers (Page 3, lines 24-30).

Regarding **claim 57**, Torvinen in view of Amir teaches all the particulars of the claim 56. Torvinen did not teach expressly the method, wherein the at least one rule

defines at least one of personal preferences or common interests the respective users of respective mobile stations. However, Amir teaches in an analogous art, the method, wherein the at least one rule defines at least one of personal preferences or common interests the respective users of respective mobile stations (Page 9, lines 19-28).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the at least one rule defines at least one of personal preferences or common interests the respective users of respective mobile stations. This type of method is useful since it would enable advertisers or other content owners to transmit the message to the targeted group of subscribers (Page 3, lines 24-30).

Regarding **claim 58**, Torvinen teaches all the particulars of the claim except, wherein the at least one rule defines a group of pre-selected mobile stations.

Torvinen did not teach expressly, the method wherein the at least one rule defines a group of pre-selected mobile stations. However, Amir teaches in an analogous art, the method wherein the at least one rule defines a group of pre-selected mobile stations ("customers of a particular company", "information exchange for students", Page 9, lines 18-28). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein the at least one rule defines a group of pre-selected mobile stations.

Claims 59-61 are rejected for the same reason as set forth in claims 56-58 respectively.

Claims 62-64 are rejected for the same reason as set forth in claims 56-58 respectively.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Requena (US2002/0126701).

Regarding **claim 48**, Torvinen teaches the method of claim 32, wherein the method comprises: receiving a request from a first mobile station to initiate a group communication with at least one second communication device proximate said first mobile station (Paragraph [0055], lines 5-11; Paragraph [0057], lines 1-8).

Torvinen did not teach expressly the method, wherein the group comprises a mayday group and the method comprises: populating the mayday group with particular ones of the mobile stations determined response pre-defined rules for the mayday group (Paragraph [0060], lines 9-21) However, Requena teaches in an analogous art populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday group (Paragraph [0123], line 6). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the method of populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday. This modification enhances the services provided to the mobile stations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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